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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JAIME SALCEDO-MENDOZA,)
)
Defendant.)

No. CR 08-399 PJH

**GOVERNMENT'S PROPOSED VOIR
DIRE**

Trial Date: September 8, 2008
Pretrial Conf.: August 27, 2008
Judge: Hon. Phyllis J. Hamilton

Pursuant to Section 3(e) of the Court's Pretrial Order, the government submits its list of proposed additional voir dire questions in addition to those in the Pretrial Order.

1. This case was investigated by the U.S. Bureau of Immigration and Customs Enforcement, also known as ICE, which is part of the Department of Homeland Security (DHS), and was formerly part of the Immigration and Naturalization Service (INS). Do any of you think it would be difficult for you to be fair to the government because of the involvement this agency?
2. Has anyone here had any experience, positive or negative, with ICE, any other branch of the

1 DHS, or the INS? If yes, what?

2 3. Do you have any strong feelings about the federal government, positive or negative, that
3 would affect your ability to sit as an impartial juror on this case?

4 4. Have you, or anyone close to you, ever been involved in a criminal investigation in any of the
5 following circumstances:

6 a. As a witness?

7 b. As a victim of a crime?

8 c. Having been charged with a crime?

9 d. Having been convicted of a crime?

10 e. Is there anything about that experience that would prevent you from returning a verdict of
11 guilty even if the government had proved its case beyond a reasonable doubt?

12 5. The defendant in this case is charged with the crime of being an alien found in the United
13 States illegally after having been deported. Is there anyone here who feels they could not
14 return a verdict of guilty because of the nature of the charges involved?

15 6. Does anyone have strong views about U.S. immigration laws or immigration enforcement?
16 What are they?

17 7. Does anyone believe that the government should not criminally prosecute people who re-
18 enter the United States after having been deported?

19 8. At the conclusion of this case, the Court will instruct you about the law regarding the case.
20 In deciding guilt or innocence, you must apply the law that the judge gives you whether or
21 not you agree with it. Is there anyone here who will not be able to do that?

22 9. Is there anyone here who feels that, even if the evidence proved the Defendant's guilt beyond
23 a reasonable doubt, they would not return a verdict of guilty?

24 10. Do any of you belong to any group or organization which advocates the reform or repeal of
25 any criminal law?

26 11. Do any of you have any moral, religious, or philosophical beliefs that would prevent you
27 from returning a guilty verdict against another person?

28 12. Do any of think that if the Court instructed you to disregard certain testimony or evidence,

1 that you could not do so?

2 13. Is anyone here employed in the field of law enforcement? Has anyone here previously been
3 employed in the field of law enforcement?

4 a. In what capacity?

5 b. Is there anything about that employment that would prevent you from being fair to the
6 government or the defendant?

7 14. If anyone has ever served on a jury before, is there anything about that experience that makes
8 you feel you could not be a fair and impartial juror to both sides?

9 15. Law enforcement officers, including agents with ICE, will be testifying in this case. Would
10 the fact that these persons are law enforcement officers lead you to give their testimony more
11 credence or less credence than you would give the testimony of an ordinary citizen?

12 16. Will you be able to perform your duty as a juror without regard to the possible punishment of
13 the Defendant?

14 17. Do you understand that the United States, as well as the Defendant, has the right to a fair
15 trial?

16 18. Is there any reason you can think of why you would not be fair to both the government and
17 the defense?

18
19 DATED: August 13, 2008

Respectfully submitted,

20 JOSEPH P. RUSSONIELLO
21 United States Attorney

22 /S/

23 TAREK J. HELOU
24 Assistant United States Attorney